

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ORA MELIE, M.D.,

Plaintiff,

-against-

EVCI/TCI COLLEGE ADMINISTRATION,  
PETER SLATER, SAYED AKHAVI and  
NANNETTE JACOBS,

Defendants.

Case No.: 08 CV 5226

**NOTICE OF MOTION TO  
DISMISS PLAINTIFF'S  
AMENDED COMPLAINT**

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. 12(b)(6) and upon the annexed Memorandum of Law in Support of Defendant's Motion to Dismiss Plaintiff's Amended Complaint, the Affidavit of Marjorie Kaye, Jr. and Exhibits attached thereto, Defendants will move this Court located at 500 Pearl Street, New York, New York on a date convenient to the Court for an Order:

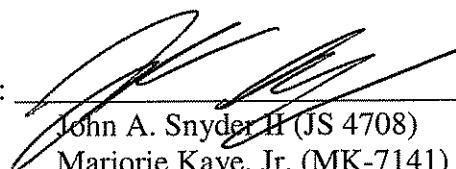
- (1) Dismissing Plaintiff's Amended Complaint in its entirety; and
- (2) For such further relief as this Court deems proper.

Dated: September 5, 2008  
New York, New York

Respectfully submitted,

JACKSON LEWIS LLP  
59 Maiden Lane, 40<sup>th</sup> Floor  
New York, New York 10038  
(212) 545-4000

By: \_\_\_\_\_

  
John A. Snyder II (JS 4708)  
Marjorie Kaye, Jr. (MK-7141)  
Paul P. Parisi (PP 3946)  
ATTORNEYS FOR DEFENDANTS

To: Anthony C. Emengo, Esq.  
Attorney for Plaintiff  
472 Union Avenue, Suite 1000  
Williamsburg, New York 11211  
718-937-8000